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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

ANDREA RESNICK, GARY BUNKER, JOHN HALEY, AMY LATHAM, ERIC ROSLANSKY and KEVIN SIMPSON, on behalf of themselves and all others similarly situated, Plaintiffs, v. WALMART.COM USA LLC, WAL-MART STORES, INC., and NETFLIX, INC., Defendants.	Case No. 09-0002 PJH **ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASE NO. 09-0349-EMC SHOULD BE RELATED PURSUANT TO CIVIL L.R. 3-12 AND 7-11**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Civil Local Rules 3-12 and 7-11, Plaintiff Sarah E. Grime submits this administrative motion for the Court to consider whether *Sarah E. Grime v. Netflix, Inc., et al.*, Case No. 09-0349 EMC, a putative class action filed on January 26, 2009, should be related to *Andrea Resnick, et al. v. Walmart.com USA LLC, et al.*, Case No. 09-cv-0002 PJH, filed on January 2, 2009, the low-numbered action also pending in this District. The *Resnick* action has been assigned to the Honorable Phyllis J. Hamilton. In addition to the *Resnick* action, other related actions are pending in the District. They include: *Michael O'Connor v. Walmart.com USA LLC, et al.*, Case No. 09-cv-0096 PJH; *Sarah Endzweig v. Walmart.com USA LLC, et al.*, Case No. 09-cv-0111 PJH; *Christopher P. Schmitz v. Walmart.com USA LLC, et al.*, Case No. 09-cv-0116 PJH; *Scott Lynch, et al. v. Walmart.com USA LLC, et al.*, Case No. 09-cv-0138 PJH; *Jonathan Groce, et al. v. Netflix, Inc., et al.*, Case No. 09-cv-0139 PJH; *Liza Sivek v. Walmart.com USA LLC, et al.*, Case No. 09-cv-0156 PJH; *Armond Faris v. Netflix, Inc., et al.*, Case No. 09-cv-0180 PJH; *Suzanne Slobodin v. Netflix, Inc., et al.*, Case No. 09-cv-0225 PJH; *Katherine M. Anthony, et al. v. Walmart.com USA LLC, et al.*, Case No. 09-cv-0236 PJH; *Melanie Polk-Stamps v. Netflix, Inc.*, Case No. 09-cv-0244 JCS; *Cathleen Chapman v. Netflix, Inc.*, Case No. 09-cv-0294 BZ; and *Michael Orozco v. Netflix, Inc.*, Case No. 09-cv-0297 MEJ.

The *O'Connor*, *Endzweig*, *Schmitz*, *Lynch*, and *Groce* actions were ordered related to the *Resnick* action on January 16, 2009. The *Sivek*, *Faris*, and *Anthony* actions were ordered related to the *Resnick* action January 26, 2009. All of these related actions have been assigned to the Honorable Phyllis J. Hamilton. The *Slobodin*, *Polk-Stamps*, *Chapman*, and *Orozco* actions have not been related to the *Resnick* action as of the filing of this Administrative Motion.

These actions involve substantially the same transactions, events, questions of law, and allege essentially the same violations of federal antitrust law against substantially the same Defendants. The suits allege that Defendants conspired to allocate the market for online DVD rentals, agreed not to compete in that market, and that Netflix monopolized the online DVD rental market. Defendants' actions are alleged to have harmed customers who were Netflix subscribers by causing them to pay more for the subscriptions than they would have paid absent Defendants' illegal market allocation agreement.

It appears likely that there will be an unduly burdensome duplication of labor and expenses and potentially conflicting results if the cases are heard before different judges.

Given the similarities of these actions, assignment of these cases to a single Federal District Court Judge, will conserve judicial resources and promote efficient determination of the actions while avoiding potentially conflicting results. All fourteen cases pending in this District are at a preliminary stage and, thus, assignment to a single judge would not prejudice any other parties. Accordingly, Plaintiff Sarah E. Grime respectfully requests that the action entitled *Sarah E. Grime v. Netflix, Inc., et al.* be deemed related to *Andrea Resnick, et al. v. Walmart.com USA LLC, et al.*, the first filed case in this District, which is presently assigned to the Honorable Phyllis J. Hamilton.

Dated: January 28, 2009.

Respectfully submitted:

By: */s/ Melissa Shapiro*

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